



**Project #16-031  
Minor Subdivisions  
Code Amendment**

**REPORT SUMMARY...**

|                         |                                   |
|-------------------------|-----------------------------------|
| <i>Project Name:</i>    | Minor Subdivisions Code Amendment |
| <i>Proponent/Owner:</i> | Community Development Department  |
| <i>Project Address:</i> | Citywide                          |
| <i>Request:</i>         | Code Amendment                    |
| <i>Type of Action:</i>  | Legislative                       |
| <i>Date of Hearing:</i> | July 14, 2016                     |
| <i>Submitted By:</i>    | Mike DeSimone, Director           |

---

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.46 (Permit Authority), 17.47 (Subdivisions), and 17.62 (Definitions).

**REQUEST**

The proposal is to amend the Subdivision review process to provide an administrative review track for Minor Subdivisions involving three (3) or fewer lots without any new road construction. The intent is to review these types of minor actions administratively rather than sending them through the Planning Commission process.

This proposal is similar to the Track 1 versus Track 2 Design Review Permit process and would help streamline the smaller, less controversial types of activities while reducing the overall costs associated with this type of project review. The one difference is that the public notice component was not eliminated, so the City will still notify surrounding property owners of the pending subdivision. Finally, this proposal does not modify or eliminate any of the existing subdivision or access standards.

The proposed amendment to Section 17.47 includes the proposed language changes:

**§17.47.040 Minor Subdivisions:** *The Director shall be the review authority for Minor Subdivisions and shall review applications according to Section 17.54.*

*A. Minor Subdivisions shall meet the following:*

- 1. The total number of lots being created shall not exceed three (3);*
- 2. A minor subdivision shall not involve a division of land requiring the construction of a new roadway;*
- 3. The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and*
- 4. The application for a minor subdivision shall meet the application and approval criteria in this Chapter.*

*B. Mailed Notice. Within ten (10) calendar days of receipt of a complete application, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County assessor's rolls within three hundred feet of the perimeter boundaries of the subject property. This*

*notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:*

- 1. The case number and the project's title;*
  - 2. The project's address;*
  - 3. The name of the proponent;*
  - 4. The type of project or projects, including an identification of all types of actions required;*
  - 5. The project description;*
  - 6. The anticipated decision date;*
  - 7. A statement explaining when and where interested persons can obtain information;*
  - 8. The name and direct phone number of the staff member assigned to review the application; and*
  - 9. An explanation on how to file an appeal of the decision.*
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.57.*
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.*

The changes to 17.46 clarify who is responsible for which type of subdivision review while changes to 17.62 add a definition of Minor Subdivision.

#### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments are relatively minor in nature, are consistent with the General Plan, and furthers the goals of the Plan by encouraging the simplification of the subdivision review process for minor activities.

#### **STAFF RECOMMENDATION AND SUMMARY**

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

#### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

#### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on June 23, 2016, posted on the City's website and the Utah Public Meeting website on July 7, 2016, and noticed in a quarter page ad on June 26, 2016.

#### **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments have been received.

#### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.

3. The proposed Code Amendments provides an alternative method for reviewing minor subdivisions where the impact to adjoining private properties or public infrastructure is determined to be relatively minor.
4. The proposal would only apply to subdivisions involving three (3) or fewer lots involving no new road construction.
5. The provision of an alternative review process is consistent with the City's desire to streamline the regulatory review processes in order to help reduce the time and expenses associated with regulatory compliance.
6. The proposed minor subdivision review process does not eliminate or modify any existing subdivision or access standard, nor does it eliminate or reduce the level of public notification.
7. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
8. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



# APPLICATION FOR PROJECT REVIEW

☒ Planning Commission   ☐ Board of Adjustment   ☐ Board of Appeals   ☐ Other

|   |             |   |             |   |
|---|-------------|---|-------------|---|
| Date Received<br><b>6/6/16</b>  | Received By | Receipt Number  | Zone        | Application Number<br><b>PC 16-031</b>      |
| <b>Type of Application (Check all that apply):</b><br><input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Zone Change <input type="checkbox"/> Boundary Line Adjustment<br><input checked="" type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____ |             |   |             |   |
| <b>PROJECT NAME</b>   |             |   |             |   |
| <b>TEXT AMENDMENT – LOGAN LAND DEVELOPMENT CODE</b>   |             |   |             |   |
| PROJECT ADDRESS   |             |   |             | COUNTY PLAT TAX ID #                        |
| <b>CITYWIDE – TEXT AMENDMENT.</b>   |             |   |             | -- --                                       |
| AUTHORIZED AGENT FOR PROPERTY OWNER ( <u>Must</u> be accurate and complete)   |             |   |             | MAIN PHONE #                                |
| <b>LOGAN CITY COMMUNITY DEVELOPMENT DEPARTMENT</b>  |             |   |             | <b>(435) 716-9021</b>                       |
| MAILING ADDRESS   |             | CITY  | STATE       | ZIP   |
| <b>290 NORTH 100 WEST</b>   |             | <b>LOGAN</b>  | <b>UTAH</b> | <b>84321</b>                                |
| EMAIL ADDRESS   |             |   |             |   |
| <a href="http://WWW.LOGANUTAH.ORG">WWW.LOGANUTAH.ORG</a> ; <a href="mailto:MIKE.DESIMONE@LOGANUTAH.ORG">MIKE.DESIMONE@LOGANUTAH.ORG</a>   |             |   |             |   |
| PROPERTY OWNER OF RECORD ( <u>Must</u> be listed)   |             |   |             | MAIN PHONE #                                |
| <b>CITYWIDE</b>   |             |   |             |   |
| MAILING ADDRESS   |             | CITY  | STATE       | ZIP   |
|   |             |   |             |   |
| EMAIL ADDRESS   |             |   |             |   |
| DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED<br>(Include as much detail as possible - attach a separate sheet if needed)   |             |   |             |   |
| <b>AMEND LOGAN LAND DEVELOPMENT CODE CHAPTERS 17.46, 17.47 &amp; 17.62 TO DEFINE MINOR SUBDIVISIONS AND THE REVIEW PROCESS FOR MINOR SUBDIVISIONS.</b>  |             |   |             |   |
|   |             |   |             | Size of Proposed New Building (square feet) |
|   |             |   |             | Number of Proposed New Units/Lots           |
| I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.  |             | Signature of Property Owner's Authorized Agent                                      |             |   |
|   |             |  |             |   |
| I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.   |             | Signature of Property Owner   |             |   |
|   |             |   |             |   |

**Council workshop: Aug. 2**  
**Council hearing: Aug. 16**

## Chapter 17.46: Permit Authority

### §17.46.010. Purpose

Permit review procedures are intended to provide an opportunity for a property owner to learn and understand the development standards and regulations of the City prior to initiating development of a site. The various permits are intended to provide the City with an opportunity to work with a property owner in ensuring safe development that meets City standards.

### §17.46.020. Application Review Standards

Standards for approving, conditionally approving or denying a project are contained within the specific provisions of this Article. Table 17.46.020 identifies the decision-makers and appeals boards for all project and application types.

**Table 17.46.020: Application Decision-Makers and Appeals Boards**

| Project Type  | Chapter | Applications Heard By:  |
|---|---------|---|
| Certificate of Appropriateness  | §17.27  | Historic Preservation Commission  |
| Subdivisions  | §17.47  | <u>Minor Subdivision – Director</u><br><u>Subdivision – Planning Commission</u> |
| Boundary Line Adjustment  | §17.48  | City Engineer   |
| Conditional Use Permit  | §17.49  | Planning Commission   |
| Design Review, all other projects   | §17.50  | <u>Track 1 – Director</u><br><u>Track 2 – Planning Commission</u>               |
| Amendments to the Land Development Code   | §17.51  | Planning Commission <sup>1</sup><br>Municipal Council                           |
| Amendments to the Official Zoning Map   | §17.51  | Planning Commission <sup>1</sup><br>Municipal Council                           |
| Amendments to the General Plan  | §17.52  | Planning Commission <sup>1</sup><br>Municipal Council                           |
| Variances   | §17.53  | Land Use Appeal Board   |
| Appeals of Staff Decisions  | §17.57  | Land Use Appeal Board   |
| Appeals of Staff's General Plan Interpretations   | §17.57  | Municipal Council   |
| Appeals of Boundary line Adjustments  | §17.57  | Land Use Appeal Board   |
| Appeals of Subdivisions, Design Review, Use Permits, or Planning Commission Decisions   | §17.57  | Land Use Appeal Board   |
| Appeals of Amendments to the Land Development Code, Official Zoning Map, General Plan, Variances, or actions of the Land Use Appeal Board | §17.57  | District Court  |

### §17.46.030. Permit Required Before Proceeding

The construction, alteration, repair, removal, use or occupancy of any site improvements, site development, structure, or any part thereof shall not commence or proceed until the issuance of an appropriate permit(s).

#### A. Complete Applications.

A complete permit application shall be submitted prior to review by the appropriate department. Permits may be issued following a review to ensure that the proposed project is in compliance with the Logan Municipal Code.

#### B. Permits Issued Only For Complying Projects.

Permits shall be issued only upon the approval of a site plan meeting the requirements of the Department of Community Development and the International Building Code. The Chief Building Official, in association with the Public Works Director, City

## Chapter 17.47: Subdivisions

### §17.47.010 Purpose

The purpose of regulating subdivisions is to ensure the orderly development of the City of Logan in order to protect the public health, safety, and general welfare by ensuring new lots are adequate in size, shape, design, and topography to accommodate new development; road lay-outs adequately provide community linkages and conform to the block grid system; and the character of Logan's neighborhoods are protected in the development process.

### §17.47.020 Standing To Apply

Any owner of real property proposing to create a subdivision of one or more lots shall follow the procedures in this chapter.

### §17.47.030 Procedures, Reports and Hearings

Subdivisions are processed under the provisions of Chapter 17.55 and the requirements of this Chapter. Applications for subdivisions are heard before the Planning Commission as required by State law and this Code. Minor subdivisions shall be processed according to Section 17.47.040 and the requirements of this Chapter.

A. Department of Community Development Standards and Procedures.

The Director shall prepare administrative procedures and requirements to ensure that the Planning Commission has adequate information from which it may make a decision about the proposed subdivision.

B. Public Works Standards and Procedures for Infrastructure.

The Director of Public Works shall prepare administrative procedures and requirements to regulate and monitor the construction of infrastructure required as part of subdivision design and development

C. Other Department Standards and Procedures.

The directors of other departments participating in the subdivision process shall prepare administrative procedures and requirements related to the departmental needs in reviewing subdivision design.

### §17.47.040 Minor Subdivisions: The Director shall be the review authority for Minor Subdivisions and shall review applications according to Section 17.54.

A. Minor Subdivisions shall meet the following:

1. The total number of lots being created shall not exceed three (3);
2. A minor subdivision shall not involve a division of land requiring the construction of a new roadway;
3. The Director may refer minor subdivision applications to the Planning Commission (Track 2) at his or her discretion where the application does not clearly demonstrate compliance with the applicable standards and criteria of Title 17; and
4. The application for a minor subdivision shall meet the application and approval criteria in this Chapter.

B. Mailed Notice. Within ten (10) calendar days of receipt of a complete application, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County assessor's rolls within three hundred feet of the perimeter boundaries of the subject property. This notice shall be in addition to any other requirements as specified by Utah law. The notice shall include:

1. The case number and the project's title;
2. The project's address;



3. The name of the proponent;
  4. The type of project or projects, including an identification of all types of actions required;
  5. The project description;
  6. The anticipated decision date;
  7. A statement explaining when and where interested persons can obtain information;
  8. The name and direct phone number of the staff member assigned to review the application; and
  9. An explanation on how to file an appeal of the decision.
- C. Appeals shall be heard by the Land Use Appeal Board following the provisions of Chapter 17.57.
- D. The Administrative Record of Decision shall serve as the administrative record of proceedings.

(will renumber sections below)

**§17.47.040. Additional Application Requirements**

**A. Preliminary Plat Map Required.**

In addition to the requirements in Chapter 17.55, a complete application for a subdivision shall include a preliminary plat map and the submittal of all applicable preliminary plat review fees as set forth in the current fee schedule as adopted by the City Council. The preliminary plat map shall depict the content required by the City's administrative procedures and the content specified by Utah Law. At a minimum, all preliminary plat maps shall be stamped and prepared by, or under the supervision of, a professional appropriately licensed to prepare plat maps in the State of Utah.

**B. Contents of Preliminary Plat Map.**

The preliminary plat map shall include all of the following items and other items as may be required by the Director or City Engineer:

1. The proposed name of the subdivision;
2. A title block that includes the following information:
  - a. Name, mailing address, daytime telephone number of the subdivider;
  - b. Name, mailing address, daytime telephone number of the owner of record if different from the subdivider;
  - c. Name, license type, license number, mailing address, daytime telephone number of the licensed professional preparing the plat map;
  - d. The tax identification number(s) of the subject property proposed for subdivision;
  - e. The official record number(s) of the current deed(s) for the property; and
  - f. The official stamp, signature, license number, and date of the person preparing the map.
3. A certificate with the signature of at least one owner of record consenting to the filing of the preliminary plat map that states substantially the following: *"I/we, the undersigned, do hereby affirm that I/we are record owners of the subject property proposed on this map for subdivision, and I/we consent to the filing of this preliminary plat map."* The signature(s) shall be notarized and the date signed shall be identified on the preliminary plat map.
4. The location of perimeter property lines, streets, railroads, easements, buildings, water courses or other important features within or adjacent to the area;
5. Adjoining properties and current owners of record and all tax identification numbers and official record number of the current deed or legal description;

**“Stealth Telecommunications Facilities”** means antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thereby minimizing the aesthetic impact on adjacent uses, and concealing the intended use and appearance of the telecommunications facility.

**“Storage (Outdoor)”** means the use of open areas of the lot (except the front yard) for storage of items used for non-retail or industrial trade, merchandise inventory, bulk materials such as sand, gravel, building materials, and landscaping materials. Outdoor storage shall also include contractors’ yards or recycling areas.

**“Storage (Commercial or Self-Service)”** means uses providing separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

**“Storage Warehouse”** means a building used primarily for the storage of goods and materials.

**“Story”** means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it then the space between such floor and the ceiling next above it; not including cellar or basement.

**“Story (Half)”** means a story under a gable or hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

**“Street”** means public right-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways. The public right-of-way shall also include the planting strip, sidewalk, curb, and gutter.

**“Structure”** has the meaning as defined in the current adopted edition of the International Building Code.

**“Studio”** includes the following:

- A. **“Studio (Health, Exercise, Massage, Reducing or Similar Service)”** means an establishment providing space for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers.
- B. **“Studio (Photographer, Artist, Music, Dance, and Drama)”** means the workshop of an artist, sculptor, photographer, or craftsman.

**“Subdivision”** means any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purposes, whether immediately or future, for offer, sale, ground lease, or development either on the installment plan or upon any and all other plans, terms, and conditions, including for purposes of securing financing:

- A. Subdivision Includes:
  - 1. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; or
  - 2. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, or
  - 3. The creation of condominiums, townhomes, planned developments, and any other project that results in individual ownership in fee title, airspace, or cooperatively; or
  - 4. Stock cooperatives.
- C. **“Simple Subdivision”** means “subdivision”.



- D. **“Major Subdivision”** means “subdivision”.
- E. **“Minor Subdivision”** means the division of land into three (3) or fewer lots not requiring the construction of a new roadway necessary to serve the proposed lots or development “subdivision”.
- F. **“Lot Split”** means subdivision.
- G. When counting lots in a subdivision, the lot that exists prior to subdivision counts as one lot.

**“Subdivision Ordinance”** is incorporated within the Logan Land Development Code in the Logan Municipal Code.

**“Tandem Parking”** means a parking design in which one car parks behind another car in a single width driveway lane or single width parking space.

**Figure 17.62.E: Tandem Parking**



**“Tavern”** means an establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

**“Technical Advisory Committee”** means a committee that may be established as needed at the discretion of the Mayor to provide technical support or recommendations to the Mayor or other Commissions or Boards.

**“Telecommunication Facilities”** includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, co-located with existing facilities, or mounted on rooftops, poles, light posts, power poles, buildings or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system. Telecommunication Facilities includes such uses as Amateur Radio, Microwave, Television, Radio and Wireless Communication Device Towers and their supporting facilities.

**“Tennis or Swim Club”** means a facility which requires a membership or fee to enter the premises, primarily for the game of tennis or swimming, and other ancillary activities or services

**“Theaters”** means a building or part of a building used to show motion pictures or live performances in drama, dance, musical, or other similar entertainments.

**“Townhome”** means a dwelling unit that is attached to an adjoining dwelling unit, in which the ground and building are owned in fee title.